

North Carolina Department of Cultural Resources

Program for Maintaining and Preserving Records of Web-Based Activities

Introduction

In North Carolina, as in other governments around the country, the World Wide Web has become the preferred method for state agencies, county governments, municipalities, and other governmental agencies to disseminate information, provide services, and transact business with its citizenry. Much of the information posted on Web sites by government agencies exists only in electronic format and is not available through other means. The ever increasing use of Web sites by North Carolina's government agencies complicates the wide spectrum of electronic records management issues facing government agencies including: storage, preservation, access, and authenticity. The identification, selection, capture, and preservation of government Web sites is sanctioned under the Digital Preservation Policy Framework and approved by the Department of Cultural Resources (DCR).

Legal Background

State government Web sites have unique identities; they publish information that was once in printed formats for public use and distribution; yet, much of their data also constitute "records", in the sense that the Web site reflects evidence about the operations of an agency, its mission, and its functions. The need to manage Web site resources is the same as for other records-keeping systems: to ensure compliance with North Carolina statutes concerning the creation, retention, and the ability to provide continuing access to public records. Since one of the charges of DCR is to provide for long-term preservation and access to digital assets, DCR recognizes Web sites as digital assets with historical, legal, administrative, or evidentiary value that must be preserved and commits to capturing, preserving, and providing access to these materials.

Chapter 132 of the *General Statutes of North Carolina*, the Public Records Act, defines a "public record" as "...all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions." (Emphasis added.) By the authority under, GS 121-4 (3), the North Carolina State Archives is mandated to "preserve and administer, in the North Carolina State Archives, such public records as may be accepted into its custody." Web sites meet the definition of a public record as they are "made or received pursuant to law or ordinance in connection with the transaction of public business."

Additionally, Chapter 125.11 of the *General Statutes of North Carolina* states that the State Library "shall be the official, complete, and permanent depository for all State publications," regardless of publication format. (Emphasis added). The authority for collecting and making these publications accessible rests with the State Library of North Carolina. Many government authorities utilize the Web to publish and disseminate information that they once printed on paper.

Because state government Web sites meet the above criteria, all provisions of the North Carolina Public Records Act (G.S. §132) and the State Depository Library System Act (G.S. § 125.11) apply to them. State and local government agency heads should ensure that disposition of Web sites and the related source files for which they are responsible be planned, managed, and carried out according to the previously

mentioned requirements by using the procedures of DCR's Office of Archives and History.

Public officials should also note that the retention of records maintained in electronic files is the same as for similar records maintained in traditional paper formats, unless otherwise specified by an authorized records retention and disposition schedule. The content and function of the record, not the media, are the factors that determine retention and disposition decisions. It is also critical to note that as a means of disbursement or publication, Web sites often contain records that have their own separate retention period. These items should be scheduled separately from the web site. Offices with questions concerning the development or application of records retention schedules should contact the Government Records Branch of the North Carolina State Archives.

Why Capture Web sites?

Capturing agency Web sites is a simple way to collect unique digital assets that are only available via the Web. Web sites change frequently, and information available on the Web at one point in time may not be available at a later date. The Web site capture process provides a duplicate version of a Web site, which saves and displays a copy of the look and feel of agency Web sites at particular points in time. A sequence of Web site "snapshots" provides a picture of the agency's web presence. This ensures that DCR, per its charge in the Public Records Act and the State Depository Library System Act, documents agency use of the Internet to disseminate government information over time, while also collecting agency publications.

Management and Preservation of Captured Web sites

Like other digital assets, captured Web sites are sanctioned under the Digital Preservation Policy Framework.

Access to Captured Sites

Captured Web sites consist of information that was previously available to the public without restriction, so DCR will continue to provide public access to captured sites. DCR will work with agencies to remove access to captured information that was incorrectly placed on the public World Wide Web and to ensure that material that does not fall under DCR's statutory requirements is excluded from public access.